

VZCZCXYZ0001
RR RUEHWEB

DE RUEHKG #0394 1401533
ZNR UUUUU ZZH
R 201533Z MAY 09
FM AMEMBASSY KINGSTON
TO RUEHC/SECSTATE WASHDC 7636
INFO RUCNCOM/EC CARICOM COLLECTIVE

UNCLAS KINGSTON 000394

SIPDIS

SENSITIVE

STATE FOR WHA/CAR (ACADIEUX) (VDEPIRRO) (WSMITH)
WHA/EPSC (MROONEY)(FCORNEILLE)
EAP/CM (DAVID SHEAR)
INR/RES (RWARNER)
OES FOR KENLI SCHAAF

E.O. 12958: N/A

TAGS: [PHSA](#) [EWWT](#) [PBTS](#) [SENV](#) [EMIN](#) [ASEC](#) [SOCI](#) [CH](#) [XE](#) [XL](#) [JM](#)

SUBJECT: CHINAQS PERM MISSION INTERNATIONAL SEABED AUTHORITY DIPNOTE

REF: A) STATE 49356

11. (SBU) SUMMARY: On May 18, Post received the following dipnote from the Permanent Mission of the People's Republic of China to the International Seabed Authority.

BEGIN TEXT:

The Permanent Mission of the People's Republic of China to the International Seabed Authority presents its compliments to the Embassy of the United States of America and, with regard to the emerging issue of encroachment upon the International Seabed Area, has the honor to state as follows:

The Chinese government adheres to its longstanding view that the international community shall protect and preserve the integrity of the Area. While States Parties to the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") have the right to establish their continental shelf beyond 200 nautical miles, they shall exercise such right strictly in accordance with the Convention. Particularly, States Parties shall have the obligation to ensure the respect for the extent of the Area, which is the common heritage of mankind, and prevent it from encroachment by extension of the outer limits of their continental shelf inconsistent with the Convention.

The Chinese government is deeply concerned about the relevant State practices in this regard. For instance, in its submission to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") dated on 12 November 2008, Japan claims the continental shelf both within and beyond 200 nautical miles measured from the basepoint the rock of Oki-no-Tori, which, on its natural conditions, obviously cannot sustain human habitation or economic life of its own, and therefore, pursuant to Article 121(3) of the Convention, shall have no exclusive economic zone or continental shelf. Still less shall it have the right to the extended continental shelf beyond 200 nautical miles.

If such a rock of less than 10 square meters and only a dozen centimeters above sea-level at high tide could have continental shelf covering hundreds of thousands of square kilometers, it will gravely encroach upon the Area, a common heritage of mankind, and undermine the overall interests of the international community. The pernicious precedent as a result of this may bring even more unpredictable consequences, as the "common heritage of mankind" will be subject to arbitrary appropriation, and the principle of freedom of the sea and the orderly development and utilization of the Area will be seriously disrupted.

The Chinese government believes that, as members of the international community, we have the responsibility to jointly safeguard the Area as the common heritage of mankind, uphold the integrity and authority of the Convention and call upon the international community to pay

attention to this issue.

The Chinese government will appreciate it if the United States of America could exert positive influence and make a statement at the 15th Session of the International Seabed Authority in May to express concerns on the above-mentioned issue to support the Chinese position.

The Permanent Mission of the People's Republic of China to the International Seabed Authority avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Embassy of the United States of America
Jamaica

END TEXT

12. (SBU) Please advise of any response or other steps which Post should take in advance of the Fifteenth Session of the Assembly of the International Seabed Authority (ISA) to be held in Kingston, MAY 25 - June 5, 2009.

MOSS